

GREENBERG TRAURIG, LLP

Valerie W. Ho (SBN 200505) (hov@gtlaw.com)

Michael S. Lawrence (SBN 255897) (lawrencem@gtlaw.com)

Robert S. Freund (SBN 287566) (freundr@gtlaw.com)

1840 Century Park East, Suite 1900

Los Angeles, California 90067

Telephone: (310) 586-7700

Facsimile: (310) 586-7800

Attorneys for Plaintiff

Tech-4-Kids, Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

TECH-4-KIDS, INC.,

Plaintiff,

vs.

SPORT DIMENSION, INC.,

Defendant.

SPORT DIMENSION, INC.,

Counterclaimant,

vs.

TECH-4-KIDS, INC.,

Counterdefendant.

CASE NO. 2:12-CV-06769-PA-AJW

**DISCOVERY MATTER:
DECLARATION OF ROBERT S.
FREUND IN SUPPORT OF
PLAINTIFF TECH-4-KIDS, INC.'S
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
BY DEFENDANT SPORT
DIMENSION, INC.**

**Judge: Honorable Percy Anderson
Magistrate Judge: Honorable Andrew
J. Wistrich**

DECLARATION OF ROBERT S. FREUND

DECLARATION OF ROBERT S. FREUND

I, Robert S. Freund, declare under penalty of perjury under the laws of the United States and the State of California as follows:

1. I am an attorney at the law firm of Greenberg Traurig, LLP, counsel of record for Plaintiff and Counterdefendant Tech-4-Kids, Inc. ("Tech-4-Kids" or "Plaintiff") in the above-entitled action. I am licensed to practice law in the State of California. I submit this Declaration in support of Tech-4-Kids' Motion to Compel Production of Documents by Defendant Sport Dimension, Inc. ("Motion"). I have first-hand knowledge of the matters set forth herein and, if called upon to do so, I could and would testify competently and truthfully thereto.

2. Pursuant to Central District of California Local Rules 7-3 and 37-1, I, along with my colleague, attorney Michael S. Lawrence, have participated in several meet and confer discussions with Sarah Brooks, of the Stradling firm, counsel for Defendant Sport Dimension. After a number of correspondences and meet and confer conferences, we have been unable to resolve the issues discussed in this Motion.

3. Attached as **Exhibit A** is a true and correct copy of the document Bates numbered SDI 007466-007472. The document has been designated "Highly Confidential – Attorneys' Eyes Only."

4. Attached as **Exhibit B** is a true and correct copy of the document Bates numbered SDI 014984-014990. The document has been designated "Confidential."

5. Attached as **Exhibit C** is a true and correct copy of the document Bates numbered SDI 015288-015293. The document has been designated "Confidential."

6. Attached as **Exhibit D** is a true and correct copy of Sport Dimension's responses to Tech-4-Kids' first set of requests for production.

7. Attached as **Exhibit E** is a true and correct copy of Sport Dimension's responses to Tech-4-Kids' second set of requests for production.

8. Attached as **Exhibit F** is a true and correct copy of Sport Dimension's responses to Tech-4-Kids' third set of requests for production.

1
DECLARATION OF ROBERT S. FREUND

1 9. Attached as **Exhibit G** is a true and correct copy of relevant excerpts of the
2 transcript of the March 26, 2013 deposition of Joseph Lin. The deposition transcript has
3 been designated “Highly Confidential – Attorneys’ Eyes Only.”

4 10. Attached as **Exhibit H** is a true and correct copy of the document Bates
5 numbered SDI 001132-001135. The document has been designated “Highly Confidential
6 – Attorneys’ Eyes Only.”

7 11. Attached as **Exhibit I** is a true and correct copy of relevant excerpts of the
8 transcript of the March 21, 2013 deposition of Kurt Rios. The deposition transcript has
9 been designated “Highly Confidential – Attorneys’ Eyes Only.”

10 12. Attached as **Exhibit J** is a true and correct copy of the document Bates
11 numbered SDI 006962-006968. The document has been designated “Highly Confidential
12 – Attorneys’ Eyes Only.”

13 13. Attached as **Exhibit K** is a true and correct copy of what appears to be an
14 online directory of global sports product manufacturers listing Mr. Lin as the owner of
15 Stallion.

16 14. Attached as **Exhibit L** is a true and correct copy of the document Bates
17 numbered SDI 007912-007914. The document has been designated “Confidential.”

18 15. Attached as **Exhibit M** is a true and correct copy of the “Customer Care”
19 page of Sport Dimension’s website and the Stallion site to which visitors are redirected
20 upon clicking the hyperlink “Snow Bikes Care and Warranty.”

21 16. Attached as **Exhibit N** is a true and correct copy of the Stallion website in
22 which Stallion alleges ownership of the “Snowslider” trademark.

23 17. Attached as **Exhibit O** is a true and correct copy of printouts from the
24 United States Patent and Trademark Office’s website indicating that Sport Dimension
25 owns the “Snowslider” trademark.

26 18. Attached as **Exhibit P** is a true and correct copy of Tech-4-Kids’ First Set of
27 Requests for Production.
28

1 19. Attached as **Exhibit Q** is a true and correct copy of the document Bates
2 numbered SDI 001012-001013 in which Alex Fung of Stallion indicates to Kurt Rios his
3 proposal to use Yamaha's trademark for Sport Dimension's snow bike product, which is
4 modeled after Tech-4-Kids' Ski-Doo snow bike. The document has been designated
5 "Confidential."

6 20. The billing rates associated with the attorneys involved in this matter are as
7 follows:

- 8 a. Valerie Ho: \$650.00 per hour;
9 b. Robert Freund: \$295.00 per hour.

10 21. In researching and preparing this Motion and the corresponding joint
11 statement, Valerie Ho has spent three hours and Robert Freund has spent 30 hours for a
12 total of \$10,150.

13 22. In preparing further briefing and for argument regarding this Motion, we
14 estimate that Ms. Ho will spend approximately two hours, and I will spend an additional
15 15 hours for a total of \$5,725.

16 23. The aggregate of the fees above totals \$15,875.

17 I declare under penalty of perjury under the laws of the United States and the State
18 of California that the foregoing is true and correct.

19
20 Executed this 15th day of April, 2013, at Los Angeles, California.

21
22 
23 Robert S. Freund

EXHIBIT A
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

EXHIBIT B
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

EXHIBIT C
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

EXHIBIT D

1 YURI MIKULKA, SBN 185926
(ymikulka@sycr.com)
2 SARAH S. BROOKS, SBN 266292
(sbrooks@sycr.com)
3 STRADLING YOCOA CARLSON & RAUTH
660 Newport Center Drive, Suite 1600
4 Newport Beach, CA 92660-6422
Telephone: (949) 725-4000
5 Facsimile: (949) 725-4100

6 Attorneys for Defendant and
Counter-Claimant
7 SPORT DIMENSION, INC.

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 TECH-4-KIDS, INC.

12 Plaintiff,

13 vs.

14 SPORT DIMENSION, INC.,

15 Defendant.

CASE NO. 2:12-cv-06769-PA-AJW

Honorable Percy Anderson

**SPORT DIMENSION'S RESPONSES
TO TECH-4-KIDS, INC.'S FIRST SET
OF REQUESTS FOR PRODUCTION
OF DOCUMENTS**

First Amended Complaint Filed:
August 17, 2012

19 SPORT DIMENSION, INC.,

20 Counter-Claimant,

21 vs.

23 TECH-4-KIDS, Inc.,

24 Counter-Defendant.

1 PROUPOUNDING PARTY: Plaintiff Tech-4-Kids, Inc.

2 RESPONDING PARTY: Sport Dimension, Inc.

3 SET NO: One

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant
 5 Sport Dimension, Inc., through its counsel, hereby responds and objects to
 6 Plaintiff's Tech-4-Kids, Inc.'s First Set of Requests For The Production Of
 7 Documents And Things (Nos. 1-46) To Sport Dimension, Inc. ("Requests"), as
 8 follows:

9 **PRELIMINARY STATEMENT**

10 Defendant and his attorney's investigation and analysis are continuing and
 11 not complete, and their discovery is at an early stage. Defendant reserves the right,
 12 without limitation, to amend, modify, or supplement, these Responses, to set forth
 13 any additional information that is relevant to these Responses which Defendant
 14 and/or its attorneys subsequently learn or discover, to set forth any additional
 15 information which Defendant and/or his attorneys subsequently conclude are
 16 relevant to these Responses and/or to use and introduce and such information at
 17 any hearings or trial of this action whether or not these Responses are so
 18 supplemented.

19 By service of the Responses, Defendant does not waive or re-start the time
 20 period for filing of any motion to compel.

21 **GENERAL OBJECTIONS**

22 1. Defendant hereby asserts the following General Objections (the
 23 "General Objections") to the Requests, each of which is hereby incorporated by
 24 reference into the response to each individual document request below. From time
 25 to time, and for purpose of emphasis, Defendant may restate one or more of the
 26 General Objections as specific objections to individual document requests. Such
 27 restatement, or the failure to restate, should not be taken as a waiver of any General
 28 Objection not restated.

1 2. Defendant objects and responds to the Requests on the basis of facts
2 and circumstances as they are presently known to Defendant. Defendant has not
3 completed its discovery and preparation for trial. Accordingly, all of the following
4 objections and responses are provided without prejudice to Defendant's right to
5 introduce at trial any evidence it subsequently discovers. Defendant reserves the
6 right to supplement his objections and responses to the Requests based upon
7 newly-discovered evidence or information of which Defendant is not aware as of
8 the present date.

9 3. Defendant objects to the Requests insofar as they seek information or
10 documents that are privileged and/or protected from disclosure by the attorney-
11 client privilege, the work-product doctrine, the privacy privilege, the joint-defense
12 privilege or any other privilege or immunity, and refuses to produce any such
13 document(s). Defendant does not intend by these responses or objections to waive
14 any claim of privilege or immunity. Defendant's objections and responses are
15 conditioned specifically on the understanding that the provision of information or
16 documents for which any claim of privilege is applicable shall be deemed
17 inadvertent and not a waiver of the claim of privilege.

18 4. Defendant objects to the Requests to the extent that they call for the
19 production of documents that are protected by the privacy rights of itself or any
20 other person or entity as provided by the California and United States Constitutions
21 and/or any other statute or legal authority.

22 5. Defendant objects to the Requests to the extent that they call for the
23 production of trade secrets, confidential information and proprietary information
24 regarding Defendant's business and/or business operations.

25 6. Inadvertent production of any document that is privileged, or which is
26 otherwise immune from discovery, shall not constitute, and is in no way intended
27 as, a waiver of any privilege or any other ground for objecting to such discovery
28

1 with respect to such document or any other document, the subject matter thereof,
 2 the information contained therein, during any subsequent proceeding.

3 7. Defendant reserves the right to produce only the responsive portions
 4 of documents where such document also contain information that is not relevant to
 5 the subject matter of this action, is not reasonably calculated to lead to the
 6 discovery of admissible evidence, is privileged or is otherwise protected from
 7 disclosure.

8 8. Defendant objects to producing multiple copies of the same document,
 9 and the same document in multiple formats (e.g. hard copy and electronic copy).
 10 Where multiple copies of multiple formats exist, Defendant will produce only one
 11 copy or format of the same document.

12 9. It should not be inferred from the form or substance of any objection
 13 or response herein that documents responsive to any particular request exist.

14 10. Defendant objects to the definitions and instructions contained in the
 15 Requests to the extent that they impose obligations on Defendant beyond those
 16 permitted by the Rules of Civil Procedure and applicable case law. Defendant will
 17 interpret each request and respond pursuant to, and in light of, the requirements of
 18 the Rules of Civil Procedure and case law.

19 11. Defendant objects to the Requests to the extent they seek documents
 20 concerning information from time periods not relevant to this action. Without
 21 further limitation as to time, the Requests are overbroad, unduly burdensome, seek
 22 irrelevant information, and are not reasonably calculated to lead to the discovery of
 23 admissible evidence.

24 12. Defendant objects to the Requests on the grounds that Plaintiff has
 25 failed to "identify the trade secret with reasonable particularity prior to
 26 commencing discovery," as required under California Code of Civil Procedure
 27 2019.210.

13. Defendant objects to producing documents that are in the possession, custody or control of Plaintiff or equally available to Plaintiff, including correspondence exchanged between Defendant and Plaintiff, or either of them, and documents exchanged or filed in connection with this litigation.

RESPONSES TO REQUEST FOR PRODUCTION

REQUEST NO. 1:

Produce two samples of each of Your snow bike products, including the FX Nytro.

RESPONSE TO REQUEST NO. 1:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that it is overbroad and unduly burdensome to the extent that it asks for two samples of each of Defendant's snow bike products. Subject to and without waiving the foregoing objections, Defendant responds that it will make one sample of each of its snow bike products available for inspection at offices of Defendant's counsel at a mutually convenient date.

REQUEST NO. 2:

Produce all Documents and Things related to Your responses to Plaintiff's First Set of Interrogatories.

RESPONSE TO REQUEST NO. 2:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request to the extent that it seeks documents that are subject to the attorney-client and/or work product privilege. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are within Defendant's possession, custody, of control, once the Court enters a mutually agreed-upon protective order.

1 **REQUEST NO. 3:**

2 Produce all Documents and Things that You relied on or referred to in
3 preparing Your responses to Plaintiff's First Set of Interrogatories.

4 **RESPONSE TO REQUEST NO. 3:**

5 Defendant refers to and incorporates by reference all of the General
6 Objections stated above as though set forth in full herein. Defendant objects to this
7 request to the extent that it seeks documents that are subject to the attorney-client
8 and/or work product privilege. Subject to and without waiving the foregoing
9 objections, Defendant responds that it will produce non-privileged items
10 responsive to this request to the extent they exist and/or are within Defendant's
11 possession, custody, of control, once the Court enters a mutually agreed-upon
12 protective order.

13 **REQUEST NO. 4:**

14 Produce Documents and Things sufficient to identify each Person (other
15 than outside counsel) who participated, assisted, or was otherwise involved in
16 preparing Your responses to Plaintiffs First Set of Interrogatories.

17 **RESPONSE TO REQUEST NO. 4:**

18 Defendant refers to and incorporates by reference all of the General
19 Objections stated above as though set forth in full herein. Defendant objects to this
20 request on the grounds Defendant objects to this request to the extent that it seeks
21 documents that are subject to the attorney-client and/or work product privilege.
22 Subject to and without waiving the foregoing objections, Defendant responds that
23 it will produce non-privileged items responsive to this request to the extent they
24 exist and/or are within Defendant's possession, custody, of control, once the Court
25 enters a mutually agreed-upon protective order.

26 **REQUEST NO. 5:**

27 Produce all Documents and Things concerning any of Your snow bike
28 products, including without limitation Communications, meeting minutes,

1 presentations, proposals, price quotes, notes, reports, drawings, photographs, video
 2 recordings, brochures, pamphlets, manuals, models (functional or non-functional),
 3 and prototypes.

4 **RESPONSE TO REQUEST NO. 5:**

5 Defendant refers to and incorporates by reference all of the General
 6 Objections stated above as though set forth in full herein. Defendant objects to this
 7 request on the grounds that it is overly broad and unduly burdensome at least to the
 8 extent that it is not limited in time or scope. Subject to and without waiving the
 9 foregoing objections, Defendant responds that it will produce non-privileged items
 10 responsive to this request from 2009 until present day to the extent they exist
 11 and/or are in its possession, custody or control, once the Court enters a mutually
 12 agreed-upon protective order.

13 **REQUEST NO. 6:**

14 Produce all Documents and Things sufficient to identify each Person who
 15 participated, assisted, or was otherwise involved in the conception, design,
 16 development, and/or manufacturing of any snow bike that You have sold, offered
 17 for sell, marketed, promoted, imported, exported, or distributed since 2008.

18 **RESPONSE TO REQUEST NO. 6:**

19 Defendant refers to and incorporates by reference all of the General
 20 Objections stated above as though set forth in full herein. Defendant objects to this
 21 request on the grounds that it is overly broad, unduly burdensome, and lacks
 22 relevance as to products that are not at issue in the case, and moreover is
 23 burdensome as to items not within Defendants custody or control. Subject to and
 24 without waiving the foregoing objections, Defendants will produce non-privileged
 25 items responsive to this request from 2009 until present day to the extent they exist
 26 and/or are in its possession, custody or control, once the Court enters a mutually
 27 agreed-upon protective order.

28

REQUEST NO. 7:

Produce all Documents and Things concerning the conception, design, development, and/or manufacturing of any snow bike that You have sold, offered for sell, marketed, promoted, imported, exported, or distributed since 2008, including without limitation Communications, drawings, specifications, schematics, meeting minutes, presentations, notes, reports, research, testing data, photographs, video recordings, brochures, pamphlets, manuals, models (functional or non-functional), and prototypes.

RESPONSE TO REQUEST NO. 7:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that it is overly broad, unduly burdensome, and lacks relevance as to products that are not at issue in the case, and moreover is burdensome as to items not within Defendants custody or control. Subject to and without waiving the foregoing objections, Defendants will produce non-privileged items responsive to this request from 2009 until present day to the extent they exist and/or are in its possession, custody or control, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 8:

Produce all Documents and Things concerning Your decision to develop a snow bike product or to enter the snow bike market.

RESPONSE TO REQUEST NO. 8:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds Defendant objects to this request on the grounds that it is overly broad, and unduly burdensome, and lacks relevance as to products that are not at issue in the case, and moreover is burdensome at least to the extent that the requested documents not within Defendant's possession, custody or control.

1 Subject to and without waiving the foregoing objections, Defendant will produce
 2 non-privileged items responsive to this request from 2009 until present day to the
 3 extent they exist and/or are in its possession, custody or control, once the Court
 4 enters a mutually agreed-upon protective order.

5 **REQUEST NO. 9:**

6 Produce all Documents and Things concerning any agreement relating to
 7 any of Your snow bike products, including without limitation contracts,
 8 agreements, licenses, memorandum, letters of intent, and all drafts thereof.

9 **RESPONSE TO REQUEST NO. 9:**

10 Defendant refers to and incorporates by reference all of the General
 11 Objections stated above as though set forth in full herein. Defendant objects to this
 12 request on the grounds that it is overly broad, unduly burdensome, and lacks
 13 relevance as to products that are not at issue in the case, asks for "any agreement"
 14 and to the extent that it is not limited in time or scope, and also to the extent that
 15 the requested documents not within Defendant's possession, custody or control.
 16 Defendant also objects to this request to the extent that it seeks documents that are
 17 subject to the attorney-client and/or work product privilege. Subject to and without
 18 waiving the foregoing objections, Defendants will produce non-privileged items
 19 responsive to this request from 2009 until present day to the extent they exist
 20 and/or are in its possession, custody or control, once the Court enters a mutually
 21 agreed-upon protective order.

22 **REQUEST NO. 10:**

23 Produce all Documents and Things concerning Plaintiff, including without
 24 limitation Communications, meeting minutes, presentations, proposals, price
 25 quotes, notes, reports, drawings, photographs, video recordings, brochures,
 26 pamphlets, manuals, models (functional or non-functional), and prototypes.

RESPONSE TO REQUEST NO. 10:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request to the extent that it seeks documents that are subject to the attorney-client and/or work product privilege. Defendant also objects to this request on the grounds that the requested documents are equally accessible to Plaintiff. Finally, Defendant objects to this request on the grounds that it is overbroad and unduly burdensome at least to the extent that it is not limited in scope to the subject matter of the present lawsuit, *i.e.* the snow bike. Subject to and without waiving the foregoing objections, Defendants will produce non-privileged items responsive to this request from 2009 until present day to the extent they exist and/or are in its possession, custody or control relating to Plaintiff's snow bike, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 11:

Produce all Documents and Things concerning Costco, including without limitation Communications, meeting minutes, presentations, proposals, price quotes, notes, reports, drawings, photographs, video recordings, brochures, pamphlets, manuals, models (functional or non-functional), and prototypes.

RESPONSE TO REQUEST NO. 11:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that it is overbroad and unduly burdensome at least to the extent that it is not limited in time and scope. Subject to and without waiving the foregoing objections, Defendant responds that it will produce responsive items once Plaintiff narrows the request.

REQUEST NO. 12:

Produce all Documents and Things concerning any of Plaintiff's snow bikes, including those depicted in Exhibit A of the Complaint.

1 **RESPONSE TO REQUEST NO. 12:**

2 Defendant refers to and incorporates by reference all of the General
 3 Objections stated above as though set forth in full herein. Defendant objects to this
 4 request on the grounds that the requested documents are equally accessible to
 5 Plaintiff. Defendant also objects to this request on the grounds that it is overly
 6 broad, unduly burdensome, and lacks relevance as to products that are not at issue
 7 in the case, it is not limited in time or scope, and also to the extent that the
 8 requested documents not within Defendant's possession, custody or control.
 9 Subject to and without waiving the foregoing objections, Defendants will produce
 10 non-privileged items responsive to this request from 2009 until present day to the
 11 extent they exist and/or are in its possession, custody or control relating to
 12 Plaintiff's snow bike product, once the Court enters a mutually agreed-upon
 13 protective order.

14 **REQUEST NO. 13:**

15 Produce all Documents and Things concerning any information You
 16 received or obtained, directly or indirectly, from Plaintiff.

17 **RESPONSE TO REQUEST NO. 13:**

18 Defendant refers to and incorporates by reference all of the General
 19 Objections stated above as though set forth in full herein. Defendant objects to this
 20 request on the grounds that the requested documents are equally accessible to
 21 Plaintiff. Defendant also objects to this request on the grounds that it is overbroad
 22 and unduly burdensome at least to the extent that it is unlimited in time and scope.
 23 Subject to and without waiving the foregoing objections, Defendants will produce
 24 non-privileged items responsive to this request from 2009 until present day to the
 25 extent they exist and/or are in its possession, custody or control relating to
 26 Plaintiff's snow bike product, once the Court enters a mutually agreed-upon
 27 protective order.

28

1 **REQUEST NO. 14:**

2 Produce all Documents Concerning each and every snow bike product
3 known to You or of which You were aware before 2010.

4 **RESPONSE TO REQUEST NO. 14:**

5 Defendant refers to and incorporates by reference all of the General
6 Objections stated above as though set forth in full herein. Defendant objects to this
7 request on the grounds that it is overbroad and unduly burdensome at least to the
8 extent that it asks for "all documents" relating to snow bikes including bikes that
9 are not the subject of the present litigation. Subject to and without waiving the
10 foregoing objections, Defendant responds that it will produce non-privileged items
11 responsive to this request to the extent they exist and/or are in its possession,
12 custody or control sufficient to show the snow bikes of which it was aware before
13 2010, once the Court enters a mutually agreed-upon protective order.

14 **REQUEST NO. 15:**

15 Produce all Documents and Things concerning any analysis of any of
16 Plaintiffs snow bikes products, including any comparisons of Plaintiff's snow bikes
17 and Your snow bikes.

18 **RESPONSE TO REQUEST NO. 15:**

19 Defendant refers to and incorporates by reference all of the General
20 Objections stated above as though set forth in full herein. Defendant objects to this
21 request to the extent that it seeks documents that are subject to the attorney-client
22 and/or work product privilege. Defendant objects to this request on the grounds
23 that it is overbroad and unduly burdensome at least to the extent that it is unlimited
24 in time and scope. Subject to and without waiving the foregoing objections,
25 Defendant responds that it will produce non-privileged items responsive to this
26 request to the extent they exist and/or are in its possession, custody or control from
27 2009 until present day, once the Court enters a mutually agreed-upon protective
28 order.

REQUEST NO. 16:

Produce all Communications with designers or manufacturers regarding the development and manufacture of Your snow bike products.

RESPONSE TO REQUEST NO. 16:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that it is overbroad and unduly burdensome at least to the extent that it is unlimited in time and scope. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control from 2009 until present day, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 17:

Produce all Documents and Things Concerning Your decision to sell or distribute snow bike products to Costco.

RESPONSE TO REQUEST NO. 17:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that it is overbroad and unduly burdensome at least to the extent that it is unlimited in time and scope. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control from 2009 until present day, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 18:

Produce all Documents and Things concerning the advertising and promotion of Your snow bike products.

1 **RESPONSE TO REQUEST NO. 18:**

2 Defendant refers to and incorporates by reference all of the General
3 Objections stated above as though set forth in full herein. . Defendant objects to
4 this request on the grounds that it is overbroad and unduly burdensome at least to
5 the extent that it is unlimited in time and scope and to the extent that it asks for "all
6 documents." Subject to and without waiving the foregoing objections, Defendant
7 responds that it will produce non-privileged items responsive to this request to the
8 extent they exist and/or are in its possession, custody or control from 2009 until
9 present day, once the Court enters a mutually agreed-upon protective order.

10 **REQUEST NO. 19:**

11 Produce all Documents and Things concerning the market for snow bike
12 products, including the companies that offer snow bike products and their
13 respective market share.

14 **RESPONSE TO REQUEST NO. 19:**

15 Defendant refers to and incorporates by reference all of the General
16 Objections stated above as though set forth in full herein. Defendant objects to this
17 request on the grounds that the requested documents are equally accessible to
18 Plaintiff. Defendant also objects to this request on the grounds that it is overbroad
19 and unduly burdensome at least to the extent that it is unlimited in time and scope.
20 Subject to and without waiving the foregoing objections, Defendant responds that
21 it will produce non-privileged items responsive to this request to the extent they
22 exist and/or are in its possession, custody or control from 2009 until present day,
23 once the Court enters a mutually agreed-upon protective order.

24 **REQUEST NO. 20:**

25 Produce all Documents and Things concerning the sales, revenues, and
26 profits generated by each of Your snow bike products from 2008 to the present.

27

28

1 **RESPONSE TO REQUEST NO. 20:**

2 Defendant refers to and incorporates by reference all of the General
 3 Objections stated above as though set forth in full herein. Defendant objects to this
 4 request on the grounds that it is overbroad and unduly burdensome at least to the
 5 extent that it asks for "all documents." Subject to and without waiving the
 6 foregoing objections, Defendant responds that it will produce non-privileged items
 7 responsive to this request to the extent they exist and/or are in is possession,
 8 custody or control sufficient to show sales, revenues and profits of its snow bikes
 9 from 2009 until present day, once the Court enters a mutually agreed-upon
 10 protective order.

11 **REQUEST NO. 21:**

12 Produce all Documents and Things concerning the costs associated with the
 13 development, manufacture, advertising and/or sale of Your snow bike products.

14 **RESPONSE TO REQUEST NO. 21:**

15 Defendant refers to and incorporates by reference all of the General
 16 Objections stated above as though set forth in full herein. Defendant objects to this
 17 request on the grounds that it is overbroad and unduly burdensome at least to the
 18 extent that it is unlimited in time and asks for "all documents." Subject to and
 19 without waiving the foregoing objections, Defendant responds that it will produce
 20 non-privileged items responsive to this request to the extent they exist and/or are in
 21 is possession, custody or control sufficient to show costs associated with of its
 22 snow bikes from 2009 until present day, once the Court enters a mutually agreed-
 23 upon protective order.

24 **REQUEST NO. 22:**

25 Produce all Documents and Things concerning any Communication,
 26 contracts, agreements, and negotiations between/among You and any Person(s)
 27 concerning any of Your snow bike products.

28

1 RESPONSE TO REQUEST NO. 22:

2 Defendant refers to and incorporates by reference all of the General
 3 Objections stated above as though set forth in full herein. Defendant objects to this
 4 request to the extent that it seeks documents that are subject to the attorney-client
 5 and/or work product privilege. Defendant also objects to this request on the
 6 grounds that it is overbroad and unduly burdensome at least to the extent that it is
 7 unlimited in time and scope. Subject to and without waiving the foregoing
 8 objections, Defendant responds that it will produce non-privileged items
 9 responsive to this request to the extent they exist and/or are in its possession,
 10 custody or control from 2009 until present day, once the Court enters a mutually
 11 agreed-upon protective order.

12 REQUEST NO. 23:

13 Produce all Documents and Things concerning any Communication,
 14 contracts, agreements, and negotiations between/among You and any Person(s)
 15 concerning any of Plaintiff's snow bike products.

16 RESPONSE TO REQUEST NO. 23:

17 Defendant refers to and incorporates by reference all of the General
 18 Objections stated above as though set forth in full herein. Defendant objects to this
 19 request on the grounds that the requested documents are equally accessible to
 20 Plaintiff. Defendant also objects to this request to the extent that it seeks
 21 documents that are subject to the attorney-client and/or work product privilege.
 22 Finally, Defendant objects to this request on the grounds that it is overbroad and
 23 unduly burdensome at least to the extent that it is unlimited in time and scope.
 24 Subject to and without waiving the foregoing objections, Defendant responds that
 25 it will produce non-privileged items responsive to this request to the extent they
 26 exist and/or are in its possession, custody or control from 2009 until present day,
 27 once the Court enters a mutually agreed-upon protective order.

28

1 **REQUEST NO. 24:**

2 Produce all Documents and Things concerning any and all efforts made by
3 You to market, sell or distribute Plaintiff's snow bike products in the United States.

4 **RESPONSE TO REQUEST NO. 24:**

5 Defendant refers to and incorporates by reference all of the General
6 Objections stated above as though set forth in full herein. Defendant objects to this
7 request on the grounds that the requested documents are equally accessible to
8 Plaintiff. Defendant also objects to this request on the grounds that it is overbroad
9 and unduly burdensome at least to the extent that it is unlimited in time and scope.
10 Subject to and without waiving the foregoing objections, Defendant responds that
11 it will produce non-privileged items responsive to this request to the extent they
12 exist and/or are in its possession, custody or control from 2009 until present day,
13 once the Court enters a mutually agreed-upon protective order.

14 **REQUEST NO. 25:**

15 Produce all Documents and Things concerning any investigation, testing,
16 analyses, study, or research performed or conducted by You or on Your behalf
17 Relating to any snow bike product.

18 **RESPONSE TO REQUEST NO. 25:**

19 Defendant refers to and incorporates by reference all of the General
20 Objections stated above as though set forth in full herein. Defendant objects to this
21 request to the extent that it seeks documents that are subject to the attorney-client
22 and/or work product privilege. Defendant also objects to this request on the
23 grounds that it is overbroad and unduly burdensome at least to the extent that it is
24 unlimited in time and scope. Subject to and without waiving the foregoing
25 objections, Defendant responds that it will produce non-privileged items
26 responsive to this request to the extent they exist and/or are in its possession,
27 custody or control from 2009 until present day, once the Court enters a mutually
28 agreed-upon protective order.

REQUEST NO. 26:

Produce all Communications with brand licensors or third-party licensors, including but not limited to, Ski-Doo, Yamaha, Polaris, X Games, Arctic Cat, and/or Red Bull regarding Plaintiff or Plaintiff's products.

RESPONSE TO REQUEST NO. 26:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that the requested documents are equally accessible to Plaintiff. Defendant objects to this request on the grounds that it is overbroad and unduly burdensome at least to the extent that it is unlimited in time and scope. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control from 2009 until present day, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 27:

Produce all non-privileged Documents and Things, including without limitation Communications, other than the pleadings in this lawsuit, between/among You and any other Person(s) mentioning, referring to, or otherwise Concerning this litigation.

RESPONSE TO REQUEST NO. 27:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that the requested documents are equally accessible to Plaintiff. Defendant also objects to this request to the extent that it seeks documents that are subject to the attorney-client and/or work product privilege. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they

1 exist and/or are in its possession, custody or control, once the Court enters a
 2 mutually agreed-upon protective order.

3 **REQUEST NO. 28:**

4 Produce all Communications between You and Costco concerning snow
 5 bike products.

6 **RESPONSE TO REQUEST NO. 28:**

7 Defendant refers to and incorporates by reference all of the General
 8 Objections stated above as though set forth in full herein. Defendant objects to this
 9 request on the grounds that it is duplicative of request No. 11. See response to
 10 Request No. 11.

11 **REQUEST NO. 29:**

12 Produce all Communications between You and Costco concerning Plaintiff.

13 **RESPONSE TO REQUEST NO. 29:**

14 Defendant refers to and incorporates by reference all of the General
 15 Objections stated above as though set forth in full herein. Defendant objects to this
 16 request on the grounds that it is overbroad and unduly burdensome at least to the
 17 extent that it is unlimited in time and scope. Subject to and without waiving the
 18 foregoing objections, Defendant responds that it will produce non-privileged items
 19 responsive to this request to the extent they exist and/or are in its possession,
 20 custody or control from 2009 until present day, once the Court enters a mutually
 21 agreed-upon protective order.

22 **REQUEST NO. 30:**

23 Produce Documents and Things sufficient to identify Your corporate or
 24 organizational structure, including but not limited to, organizational charts, bylaws,
 25 the identifications and locations of Your officers and directors, and telephone
 26 directories.

27

28

1 **RESPONSE TO REQUEST NO. 30:**

2 Defendant refers to and incorporates by reference all of the General
 3 Objections stated above as though set forth in full herein. Subject to and without
 4 waiving the foregoing objections, Defendant responds that it will produce non-
 5 privileged items responsive to this request to the extent they exist and/or are in its
 6 possession, custody or control, once the Court enters a mutually agreed-upon
 7 protective order.

8 **REQUEST NO. 31:**

9 Produce all Documents and Things concerning Your document retention
 10 policy.

11 **RESPONSE TO REQUEST NO. 31:**

12 Defendant refers to and incorporates by reference all of the General
 13 Objections stated above as though set forth in full herein. Defendant objects to this
 14 request on the grounds that it is overbroad and unduly burdensome at least to the
 15 extent that it asks for "all documents." Subject to and without waiving the
 16 foregoing objections, Defendant responds that it will produce non-privileged items
 17 responsive to this request to the extent they exist and/or are in its possession,
 18 custody or control sufficient to show is retention policy, once the Court enters a
 19 mutually agreed-upon protective order.

20 **REQUEST NO. 32:**

21 Produce all Documents and Things that support or relate to your Second
 22 Affirmative Defense that "Plaintiff has failed to mitigate or otherwise avoid any
 23 damages that it allegedly sustained as a result of Defendant's alleged conduct."

24 **RESPONSE TO REQUEST NO. 32:**

25 Defendant refers to and incorporates by reference all of the General
 26 Objections stated above as though set forth in full herein. Defendant objects to this
 27 request on the grounds that the requested documents are equally accessible to
 28 Plaintiff. Defendant also objects to this request to the extent that it seeks

documents that are subject to the attorney-client and/or work product privilege.

Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 33:

Produce all Documents and Things that support or relate to your Third Affirmative Defense that "Plaintiff's claims are barred by the doctrine of equitable estoppel."

RESPONSE TO REQUEST NO. 33:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that the requested documents are equally accessible to Plaintiff. Defendant also objects to this request to the extent that it seeks documents that are subject to the attorney-client and/or work product privilege. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 34:

Produce all Documents and Things that support or relate to your Fourth Affirmative Defense that "Plaintiff's claims are barred by the doctrine of laches."

RESPONSE TO REQUEST NO. 34:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that the requested documents are equally accessible to Plaintiff. Defendant also objects to this request to the extent that it seeks documents that are subject to the attorney-client and/or work product privilege.

1 Subject to and without waiving the foregoing objections, Defendant responds that
 2 it will produce non-privileged items responsive to this request to the extent they
 3 exist and/or are in its possession, custody or control, once the Court enters a
 4 mutually agreed-upon protective order.

5 **REQUEST NO. 35:**

6 Produce all Documents and Things that support or relate to your Fifth
 7 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of waiver."

8 **RESPONSE TO REQUEST NO. 35:**

9 Defendant refers to and incorporates by reference all of the General
 10 Objections stated above as though set forth in full herein. Defendant objects to this
 11 request on the grounds that the requested documents are equally accessible to
 12 Plaintiff. Defendant also objects to this request to the extent that it seeks
 13 documents that are subject to the attorney-client and/or work product privilege.
 14 Subject to and without waiving the foregoing objections, Defendant responds that
 15 it will produce non-privileged items responsive to this request to the extent they
 16 exist and/or are in its possession, custody or control, once the Court enters a
 17 mutually agreed-upon protective order.

18 **REQUEST NO. 36:**

19 Produce all Documents and Things that support or relate to your Sixth
 20 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of unclean
 21 hands."

22 **RESPONSE TO REQUEST NO. 36:**

23 Defendant refers to and incorporates by reference all of the General
 24 Objections stated above as though set forth in full herein. Defendant objects to this
 25 request on the grounds that the requested documents are equally accessible to
 26 Plaintiff. Defendant also objects to this request to the extent that it seeks
 27 documents that are subject to the attorney-client and/or work product privilege.
 28 Subject to and without waiving the foregoing objections, Defendant responds that

1 it will produce non-privileged items responsive to this request to the extent they
 2 exist and/or are in its possession, custody or control, once the Court enters a
 3 mutually agreed-upon protective order.

4 **REQUEST NO. 37:**

5 Produce all Documents and Things that support or relate to your Seventh
 6 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of
 7 acquiescence."

8 **RESPONSE TO REQUEST NO. 37:**

9 Defendant refers to and incorporates by reference all of the General
 10 Objections stated above as though set forth in full herein. Defendant objects to this
 11 request on the grounds that the requested documents are equally accessible to
 12 Plaintiff. Defendant also objects to this request to the extent that it seeks
 13 documents that are subject to the attorney-client and/or work product privilege.
 14 Subject to and without waiving the foregoing objections, Defendant responds that
 15 it will produce non-privileged items responsive to this request to the extent they
 16 exist and/or are in its possession, custody or control, once the Court enters a
 17 mutually agreed-upon protective order.

18 **REQUEST NO. 38:**

19 Produce all Documents and Things that support or relate to your Eighth
 20 Affirmative Defense that "Plaintiff does not have protectable trade secret under
 21 California law."

22 **RESPONSE TO REQUEST NO. 38:**

23 Defendant refers to and incorporates by reference all of the General
 24 Objections stated above as though set forth in full herein. Defendant objects to this
 25 request on the grounds that the requested documents are equally accessible to
 26 Plaintiff. Defendant also objects to this request to the extent that it seeks
 27 documents that are subject to the attorney-client and/or work product privilege.
 28 Subject to and without waiving the foregoing objections, Defendant responds that

1 it will produce non-privileged items responsive to this request to the extent they
 2 exist and/or are in its possession, custody or control, once the Court enters a
 3 mutually agreed-upon protective order.

4 **REQUEST NO. 39:**

5 Produce all Documents and Things that support or relate to your Ninth
 6 Affirmative Defense that "Plaintiff is barred from asserting any claim for
 7 misappropriation of trade secrets since Plaintiff did not take reasonable precautions
 8 to protect its alleged trade secrets."

9 **RESPONSE TO REQUEST NO. 39:**

10 Defendant refers to and incorporates by reference all of the General
 11 Objections stated above as though set forth in full herein. Defendant objects to this
 12 request on the grounds that the requested documents are equally accessible to
 13 Plaintiff. Defendant also objects to this request to the extent that it seeks
 14 documents that are subject to the attorney-client and/or work product privilege.
 15 Subject to and without waiving the foregoing objections, Defendant responds that
 16 it will produce non-privileged items responsive to this request to the extent they
 17 exist and/or are in its possession, custody or control, once the Court enters a
 18 mutually agreed-upon protective order.

19 **REQUEST NO. 40:**

20 Produce all Documents and Things that support or relate to your Tenth
 21 Affirmative Defense that "Plaintiff is barred in whole or in part from prosecuting
 22 the purported causes of action set forth in the FAC by the doctrine of laches."

23 **RESPONSE TO REQUEST NO. 40:**

24 Defendant refers to and incorporates by reference all of the General
 25 Objections stated above as though set forth in full herein. Defendant objects to this
 26 request on the grounds that the requested documents are equally accessible to
 27 Plaintiff. Defendant also objects to this request to the extent that it seeks
 28 documents that are subject to the attorney-client and/or work product privilege.

1 Subject to and without waiving the foregoing objections, Defendant responds that
 2 it will produce non-privileged items responsive to this request to the extent they
 3 exist and/or are in its possession, custody or control, once the Court enters a
 4 mutually agreed-upon protective order.

5 **REQUEST NO. 41:**

6 Produce all Documents and Things that support or relate to your Eleventh
 7 Affirmative Defense that "Plaintiff is barred in whole or in part from prosecuting
 8 the purported causes of action set forth in the FAC by such statutes of limitation as
 9 may be application"

10 **RESPONSE TO REQUEST NO. 41:**

11 Defendant refers to and incorporates by reference all of the General
 12 Objections stated above as though set forth in full herein. Defendant objects to this
 13 request on the grounds that the requested documents are equally accessible to
 14 Plaintiff. Defendant also objects to this request to the extent that it seeks
 15 documents that are subject to the attorney-client and/or work product privilege.
 16 Subject to and without waiving the foregoing objections, Defendant responds that
 17 it will produce non-privileged items responsive to this request to the extent they
 18 exist and/or are in its possession, custody or control, once the Court enters a
 19 mutually agreed-upon protective order.

20 **REQUEST NO. 42:**

21 Produce all Documents and Things that support or relate to your allegation
 22 at paragraph 11 of your Counterclaim that "[d]uring negotiations of the
 23 contemplated distribution deal, Counterdefendant promised to draft and deliver a
 24 memorandum of understanding for Counterclaimant's review."

25 **RESPONSE TO REQUEST NO. 42:**

26 Defendant refers to and incorporates by reference all of the General
 27 Objections stated above as though set forth in full herein. Defendant objects to this
 28 request on the grounds that the requested documents are equally accessible to

1 Plaintiff. Defendant also objects to this request to the extent that it seeks
 2 documents that are subject to the attorney-client and/or work product privilege.
 3 Subject to and without waiving the foregoing objections, Defendant responds that
 4 it will produce non-privileged items responsive to this request to the extent they
 5 exist and/or are in its possession, custody or control, once the Court enters a
 6 mutually agreed-upon protective order.

7 **REQUEST NO. 43:**

8 Produce all Documents and Things that support or relate to your allegation
 9 at paragraph 14 of your Counterclaim that “[a]though Counterclaimant made
 10 genuine efforts to advance the contemplated business relationship, ultimately those
 11 efforts were unsuccessful”

12 **RESPONSE TO REQUEST NO. 43:**

13 Defendant refers to and incorporates by reference all of the General
 14 Objections stated above as though set forth in full herein. Defendant objects to this
 15 request to the extent that it seeks documents that are subject to the attorney-client
 16 and/or work product privilege. Subject to and without waiving the foregoing
 17 objections, Defendant responds that it will produce non-privileged items
 18 responsive to this request to the extent they exist and/or are in its possession,
 19 custody or control, once the Court enters a mutually agreed-upon protective order.

20 **REQUEST NO. 44:**

21 Produce all Documents and Things that support or relate to your allegation
 22 at paragraph 16 of your Counterclaim that “[i]n or about the summer of 2010,
 23 Counterclaimant made and eventually won a bid to Costco U.S. to distribute snow
 24 bikes for the 2010-2011 winter season. When making this bid, Counterclaimant did
 25 not use any alleged trade secret information from Counterdefendant.”

26 **RESPONSE TO REQUEST NO. 44:**

27 Defendant refers to and incorporates by reference all of the General
 28 Objections stated above as though set forth in full herein. Defendant objects to this

request to the extent that it seeks documents that are subject to the attorney-client and/or work product privilege. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 45:

Produce all Documents that support or relate to your contention that “Counterclaimant denies that he ever received protectable trade secret information from Counterdefendant”

RESPONSE TO REQUEST NO. 45:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that Plaintiff has failed to “identify the trade secret with reasonable particularity prior to commencing discovery,” as required under CCP 2019.210. Defendant also objects to this request on the grounds that the requested documents are equally accessible to Plaintiff. Defendant also objects to this request to the extent that it seeks documents that are subject to the attorney-client and/or work product privilege. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control, once the Court enters a mutually agreed-upon protective order.

REQUEST NO. 46:

Produce all Documents that support or relate to your contention that “Counterclaimant further denies that Counterdefendant was damaged by any actionable conduct by Counterclaimant.”

RESPONSE TO REQUEST NO. 46:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this

1 request on the grounds that the requested documents are equally accessible to
2 Plaintiff. Defendant also objects to this request to the extent that it seeks
3 documents that are subject to the attorney-client and/or work product privilege.
4 Subject to and without waiving the foregoing objections, Defendant responds that
5 it will produce non-privileged items responsive to this request to the extent they
6 exist and/or are in its possession, custody or control, once the Court enters a
7 mutually agreed-upon protective order.
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10 DATED: November 26, 2012

STRADLING YOCCA CARLSON &
RAUTH

11
12 By: /s/ Sarah S. Brooks
13 YURI MIKULKA
14 SARAH S. BROOKS
15 Attorneys for Defendant and
16 Counter-Claimant SPORT
17 DIMENSION, INC.
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CERTIFICATE OF SERVICE

I certify that on November 26, 2012 Defendant Sport Dimension's responses to Plaintiff Tech-4-Kids' First Set of Requests for Documents and Things were served on all parties or their counsel of record by serving a true and correct copy at the addresses listed below:

VALERIE W. HO
(hov@gtlaw.com)
JEFFREY F. YEE
(yeej@gtlaw.com)
MICHAEL STEVEN LAWRENCE
(lawrencem@gtlaw.com)
Greenberg Traurig LLP
1840 Century Park East, Suite 1900
Los Angeles, CA 90067-2101
Tel: (310) 586-7700
Fax: (310) 586-7800

Attorneys for Plaintiff and Counter-Defendant
TECH 4-KIDS, Inc.


Sarah S. Brooks


November 26, 2012

EXHIBIT E

1 YURI MIKULKA, SBN 185926
(ymikulka@sycr.com)
2 SARAH S. BROOKS, SBN 266292
(sbrooks@sycr.com)
3 STRADLING YOCCA CARLSON & RAUTH
660 Newport Center Drive, Suite 1600
4 Newport Beach, CA 92660-6422
Telephone: (949) 725-4000
5 Facsimile: (949) 725-4100

6 Attorneys for Defendant and
Counter-Claimant
7 SPORT DIMENSION, INC.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 TECH-4-KIDS, INC.

12 Plaintiff,

13 vs.

14 SPORT DIMENSION, INC.,

15 Defendant.

CASE NO. 2:12-cv-06769-PA-AJW

Honorable Percy Anderson

**SPORT DIMENSION, INC.'S
RESPONSES TO TECH-4-KIDS,
INC.'S SECOND SET OF REQUESTS
FOR THE PRODUCTION OF
DOCUMENTS AND THINGS**

First Amended Complaint Filed: August
17, 2012

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20 SPORT DIMENSION, INC.,

21 Counter-Claimant,

22 vs.

23
24 TECH-4-KIDS, INC.,

25 Counter-Defendant.
26
27
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1 PROPOUNDING PARTY: Plaintiff Tech-4-Kids, Inc.
 2 RESPONDING PARTY: Defendant Sport Dimension, Inc.
 3 SET NO.: Two (2)

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant
 5 Sport Dimension, Inc. ("Defendant"), through its counsel, hereby responds and
 6 objects to Tech-4-Kids, Inc.'s ("Tech-4-Kids" or "Plaintiff") Second Set of
 7 Requests for the Production of Documents and Things (Nos. 47-53) to Sport
 8 Dimension, Inc. ("Requests"), as follows:

9 **PRELIMINARY STATEMENT**

10 Defendant and its attorneys' investigation and analysis are continuing and
 11 not complete, and their discovery is at an early stage. Defendant reserves the right
 12 without limitation, to amend, modify, or supplement, these responses, to set forth
 13 any additional information that is relevant to these responses which Defendant
 14 and/or its attorneys subsequently learn or discover, to set forth any additional
 15 information which Defendant and/or its attorneys subsequently conclude is
 16 relevant to these responses and/or to use and introduce such information at any
 17 hearings or trial of this action whether or not these responses are so supplemented.

18 By service of these responses, Defendant does not waive or re-start the time
 19 period for filing of any motion to compel.

20 **GENERAL OBJECTIONS**

21 1. Defendant hereby asserts the following General Objections (the
 22 "General Objections") to the Requests, each of which is hereby incorporated by
 23 reference into the response to each individual Request below. From time to time,
 24 and for purpose of emphasis, Defendant may restate one or more of the General
 25 Objections as specific objections to individual Requests. Such restatement, or the
 26 failure to restate, should not be taken as a waiver of any General Objection not
 27 restated.

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2. Defendant objects and responds to the Requests on the basis of facts and circumstances as they are presently known to Defendant. Defendant has not completed its discovery and preparation for trial. Accordingly, all of the following objections and responses are provided without prejudice to Defendant's right to introduce at trial any evidence it subsequently discovers. Defendant reserves the right to supplement his objections and responses to the Requests based upon newly-discovered evidence of information of which Defendant is not aware as of the present date.

3. Defendant objects to the Requests insofar as they seek information or documents that are privileged and/or protected from disclosure by the attorney-client privilege, the work-product doctrine, the privacy privilege, the joint-defense privilege or any other privilege or immunity, and refuses to produce any such document(s). Defendant does not intend by these responses or objections to waive any claim or privilege or immunity. Defendant's objections and responses are conditioned specifically on the understanding that the provision of information for which any claim of privilege is applicable shall be deemed inadvertent and not a waiver of the claim of privilege.

4. Defendant objects to the Requests to the extent that they call for the production of documents that are protected by the privacy rights of itself or any other person or entity as provided by the California and United States Constitution and/or any other statute or legal authority.

5. Defendant objects to the Requests to the extent that they call for the production of trade secrets, confidential information and proprietary information regarding Defendant's business and/or business operations.

6. Inadvertent production of any document that is privileged, or which is otherwise immune from discovery, shall not constitute, and is in no way intended as, a waiver of any privilege or any other ground for objecting to such discovery

1 with respect to such document or any other document, the subject matter thereof,
2 the information contained therein, during any subsequent proceeding.

3 7. Defendant reserves the right to produce only the responsive portions
4 of documents where such document also contain information that is not relevant to
5 the subject matter of this action, is not reasonably calculated to lead to the
6 discovery of admissible evidence, is privileged or is otherwise protected from
7 disclosure.

8 8. Defendant objects to producing multiple copies of the same document,
9 and the same document in multiple formats (*e.g.* hard copy and electronic copy).
10 Where multiple copies of multiple formats exist, Defendant will produce only one
11 copy or format of the same document.

12 9. It should not be inferred from the form or substance of any objection
13 or response herein that documents responsive to any particular Request exist.

14 10. Defendant objects to the definitions and instructions contained in the
15 Requests to the extent that they impose obligations on Defendant beyond those
16 permitted by the Federal Rules of Civil Procedure and applicable case law.
17 Defendant will interpret each Request and respond pursuant to, and in light of, the
18 requirements of the Federal Rules of Civil Procedure and applicable case law.

19 11. Defendant objects to the Requests to the extent they seek information
20 from time periods not relevant to this action. Without further limitation as to time,
21 the Requests are overbroad, unduly burdensome, seek irrelevant information, and
22 are not reasonably calculated to lead to the discovery of admissible evidence.

23 12. Defendant objects to the Requests on the grounds that Plaintiff has
24 failed to identify the trade secret with reasonable particularity prior to commencing
25 discovery, as required under California Code of Civil Procedure 2019.210.

26 13. Defendant objects to producing documents that are in the possession,
27 custody or control of Plaintiff or equally available to Plaintiff, including
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1 correspondence exchanged between Defendant and Plaintiff, or either of them, and
2 documents exchanged or filed in connection with this litigation.

3 14. The General Objections set forth above apply to, and are hereby
4 incorporated into each specific response and/or objection set forth below.
5 Defendant responds and/or objects to each Request subject to these General
6 Objections, and without waiving them.

7 **RESPONSES TO REQUESTS FOR PRODUCTION**

8 **REQUEST NO. 47:**

9 Produce all Documents, including any invoices, specifications,
10 Communications, or other product development documents related to the
11 conception, design, or manufacture of the snow bike sample referenced in Your
12 January 19, 2010 email marked as Bates no. SDI 001132.

13 **RESPONSE TO REQUEST NO. 47:**

14 Defendant refers to and incorporates by reference all of the General
15 Objections stated above as though set forth in full herein. Subject to and without
16 waiving the foregoing objections, Defendant responds that it will produce non-
17 privileged items responsive to this request to the extent they exist and/or are in its
18 possession, custody or control.

19 **REQUEST NO. 48:**

20 Produce all Documents related to the 100 club test of the snow bike product
21 with Sam's Club referenced in Your April 16, 2009 email marked as Bates no. SDI
22 001248.

23 **RESPONSE TO REQUEST NO. 48:**

24 Defendant refers to and incorporates by reference all of the General
25 Objections stated above as though set forth in full herein. Subject to and without
26 waiving the foregoing objections, Defendant responds that it will produce non-
27 privileged items responsive to this request to the extent they exist and/or are in its
28 possession, custody or control.

1 **REQUEST NO. 49:**

2 Produce all Communications concerning the distribution relationship You
 3 discussed in Your March 2009 email exchange with Plaintiff marked as Bates no.
 4 T4KP000067-80.

5 **RESPONSE TO REQUEST NO. 49:**

6 Defendant refers to and incorporates by reference all of the General
 7 Objections stated above as though set forth in full herein. Defendant objects to this
 8 request on the grounds that the requested documents are equally accessible to
 9 Plaintiff. Defendant further objects to this request on the grounds that it is vague
 10 and ambiguous at least to the extent that the term "distribution relationship" is not
 11 defined. Defendant also objects to this request on the grounds that "distribution
 12 relationship" is a legal conclusion. Subject to and without waiving the foregoing
 13 objections, Defendant responds that it will produce non-privileged items
 14 responsive to this request related to T4KP000067-80 and to the extent they exist
 15 and/or are in its possession, custody or control.

16 **REQUEST NO. 50:**

17 Produce all Documents related to Your possession or receipt of the
 18 information Plaintiff sent to you in March 2009 supporting the distribution
 19 relationship that the parties discussed, including, but not limited to, the sales
 20 information marked as Bates no. SDI 001200-01 and SDI 01193-94.

21 **RESPONSE TO REQUEST NO. 50:**

22 Defendant refers to and incorporates by reference all of the General
 23 Objections stated above as though set forth in full herein. Defendant objects to this
 24 request on the grounds that the requested documents are equally accessible to
 25 Plaintiff. Defendant further objects to this request on the grounds that it is vague
 26 and ambiguous at least to the extent that the terms "distribution relationship" and
 27 "sales information" are not defined. Defendant also objects to this request on the
 28 grounds that "distribution relationship" is a legal conclusion. Subject to and

1 without waiving the foregoing objections, Defendant responds that it will produce
2 non-privileged items responsive to this request related to SDI 001200-01 and SDI
3 01193-94 and to the extent they exist and/or are in its possession, custody or
4 control.

5 **REQUEST NO. 51:**

6 Produce all Documents related to the "overall comparison" You referenced
7 in your email marked as Bates no. SDI 001143.

8 **RESPONSE TO REQUEST NO. 51:**

9 Defendant refers to and incorporates by reference all of the General
10 Objections stated above as though set forth in full herein. Subject to and without
11 waiving the foregoing objections, Defendant responds that it will produce non-
12 privileged items responsive to this request to the extent they exist and/or are in its
13 possession, custody or control.

14 **REQUEST NO. 52:**

15 Produce all Documents that You attached to Your email marked as Bates no.
16 SDI 001143.

17 **RESPONSE TO REQUEST NO. 52:**

18 Defendant refers to and incorporates by reference all of the General
19 Objections stated above as though set forth in full herein. Subject to and without
20 waiving the foregoing objections, Defendant responds that it will produce non-
21 privileged items responsive to this request to the extent they exist and/or are in its
22 possession, custody or control.

23 **REQUEST NO. 53.**

24 Produce all Communications between You and Sam's Club concerning
25 Plaintiff or Plaintiff's Products.

26 **RESPONSE TO REQUEST NO. 53:**

27 Defendant refers to and incorporates by reference all of the General
28 Objections stated above as though set forth in full herein. Defendant objects to this

1 request on the grounds that it is overly broad and unduly burdensome at least to the
2 extent that it is not limited in time and scope, and also to the extent that the
3 requested documents are not within Defendant's possession, custody or control.
4 Subject to and without waiving the foregoing objections, Defendant responds that
5 it will produce non-privileged items responsive to this request from 2009 until
6 present day to the extent they exist and/or are in its possession, custody or control.

7
8 DATED: February 6, 2013

STRADLING YOCCA CARLSON &
RAUTH

9
10 By: /s/Sarah S. Brooks
11 YURI MIKULKA
12 SARAH S. BROOKS
13 Attorneys for Defendant and
14 Counter-Claimant SPORT
15 DIMENSION, INC.
16
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CERTIFICATE OF SERVICE

I certify that on February 6, 2013, *Defendant Sport Dimension, Inc.'s Response to Tech-4-Kids, Inc.'s Second Set of Requests for the Production of Documents* were served on all parties or their counsel of record by serving a true and correct copy at the addresses listed below:

VALERIE W. HO
(hov@gtlaw.com)
JEFFREY F. YEE
(yeej@gtlaw.com)
MICHAEL STEVEN LAWRENCE
(lawrencem@gtlaw.com)
Greenberg Traurig LLP
1840 Century Park East, Suite 1900
Los Angeles, CA 90067-2101
Tel: (310) 586-7700
Fax: (310) 586-7800

Attorneys for Plaintiff and Counter-Defendant
TECH-4-KIDS, INC.

/s/ Sarah S. Brooks
Sarah S. Brooks

February 6, 2013
Date

EXHIBIT F

YURI MIKULKA, SBN 185926
 (ymikulka@sycr.com)
 SARAH S. BROOKS, SBN 266292
 (sbrooks@sycr.com)
 STRADLING YOCCA CARLSON & RAUTH
 660 Newport Center Drive, Suite 1600
 Newport Beach, CA 92660-6422
 Telephone: (949) 725-4000
 Facsimile: (949) 725-4100

Attorneys for Defendant and
 Counter-Claimant
 SPORT DIMENSION, INC.

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION**

TECH-4-KIDS, INC.

Plaintiff,

vs.

SPORT DIMENSION, INC.,

Defendant.

CASE NO. 2:12-cv-06769-PA-AJW

Honorable Percy Anderson

**SPORT DIMENSION, INC.'S
 RESPONSES TO TECH-4-KIDS,
 INC.'S THIRD SET OF REQUESTS
 FOR THE PRODUCTION OF
 DOCUMENTS AND THINGS**

Initial Complaint Filed: December 6,
 2011

First Amended Complaint Filed:
 August 17, 2012

Second Amended Complaint Filed:
 March 4, 2013

SPORT DIMENSION, INC.,

Counter-Claimant,

vs.

TECH-4-KIDS, INC.,

Counter-Defendant.

STRADLING YOCCA
 CARLSON & RAUTH
 LAWYERS
 NEWPORT BEACH

RESPONSES TO THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
 LITIOC/2065605v1/102566-0001

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[Redacted]

1 PROPOUNDING PARTY: Plaintiff Tech-4-Kids, Inc.
 2 RESPONDING PARTY: Defendant Sport Dimension, Inc.
 3 SET NO.: Three (3)

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant
 5 Sport Dimension, Inc. ("Defendant"), through its counsel, hereby responds and
 6 objects to Tech-4-Kids, Inc.'s ("Tech-4-Kids" or "Plaintiff") Third Set of Requests
 7 for the Production of Documents and Things (Nos. 54-60) to Sport Dimension, Inc.
 8 ("Requests"), as follows:

9 **PRELIMINARY STATEMENT**

10 Defendant and its attorneys' investigation and analysis are continuing and
 11 not complete, and their discovery is at an early stage. Defendant reserves the right
 12 without limitation, to amend, modify, or supplement, these responses, to set forth
 13 any additional information that is relevant to these responses which Defendant
 14 and/or its attorneys subsequently learn or discover, to set forth any additional
 15 information which Defendant and/or its attorneys subsequently conclude is
 16 relevant to these responses and/or to use and introduce such information at any
 17 hearings or trial of this action whether or not these responses are so supplemented.

18 By service of these responses, Defendant does not waive or re-start the time
 19 period for filing of any motion to compel.

20 **GENERAL OBJECTIONS**

21 1. Defendant hereby asserts the following General Objections (the
 22 "General Objections") to the Requests, each of which is hereby incorporated by
 23 reference into the response to each individual Request below. From time to time,
 24 and for purpose of emphasis, Defendant may restate one or more of the General
 25 Objections as specific objections to individual Requests. Such restatement, or the
 26 failure to restate, should not be taken as a waiver of any General Objection not
 27 restated.

28

2. Defendant objects and responds to the Requests on the basis of facts and circumstances as they are presently known to Defendant. Defendant has not completed its discovery and preparation for trial. Accordingly, all of the following objections and responses are provided without prejudice to Defendant's right to introduce at trial any evidence it subsequently discovers. Defendant reserves the right to supplement his objections and responses to the Requests based upon newly-discovered evidence of information of which Defendant is not aware as of the present date.

3. Defendant objects to the Requests insofar as they seek information or documents that are privileged and/or protected from disclosure by the attorney-client privilege, the work-product doctrine, the privacy privilege, the joint-defense privilege or any other privilege or immunity, and refuses to produce any such document(s). Defendant does not intend by these responses or objections to waive any claim or privilege or immunity. Defendant's objections and responses are conditioned specifically on the understanding that the provision of information for which any claim of privilege is applicable shall be deemed inadvertent and not a waiver of the claim of privilege.

4. Defendant objects to the Requests to the extent that they call for the production of documents that are protected by the privacy rights of itself or any other person or entity as provided by the California and United States Constitution and/or any other statute or legal authority.

5. Defendant objects to the Requests to the extent that they call for the production of trade secrets, confidential information and proprietary information regarding Defendant's business and/or business operations.

6. Inadvertent production of any document that is privileged, or which is otherwise immune from discovery, shall not constitute, and is in no way intended as, a waiver of any privilege or any other ground for objecting to such discovery

1 with respect to such document or any other document, the subject matter thereof,
2 the information contained therein, during any subsequent proceeding.

3 7. Defendant reserves the right to produce only the responsive portions
4 of documents where such document also contain information that is not relevant to
5 the subject matter of this action, is not reasonably calculated to lead to the
6 discovery of admissible evidence, is privileged or is otherwise protected from
7 disclosure.

8 8. Defendant objects to producing multiple copies of the same document,
9 and the same document in multiple formats (*e.g.* hard copy and electronic copy).
10 Where multiple copies of multiple formats exist, Defendant will produce only one
11 copy or format of the same document.

12 9. It should not be inferred from the form or substance of any objection
13 or response herein that documents responsive to any particular Request exist.

14 10. Defendant objects to the definitions and instructions contained in the
15 Requests to the extent that they impose obligations on Defendant beyond those
16 permitted by the Federal Rules of Civil Procedure and applicable case law.
17 Defendant will interpret each Request and respond pursuant to, and in light of, the
18 requirements of the Federal Rules of Civil Procedure and applicable case law.

19 11. Defendant objects to the Requests to the extent they seek information
20 from time periods not relevant to this action. Without further limitation as to time,
21 the Requests are overbroad, unduly burdensome, seek irrelevant information, and
22 are not reasonably calculated to lead to the discovery of admissible evidence.

23 12. Defendant objects to the Requests on the grounds that Plaintiff has
24 failed to identify the trade secret with reasonable particularity prior to commencing
25 discovery, as required under California Code of Civil Procedure 2019.210.

26 13. Defendant objects to producing documents that are in the possession,
27 custody or control of Plaintiff or equally available to Plaintiff, including
28

1 correspondence exchanged between Defendant and Plaintiff, or either of them, and
2 documents exchanged or filed in connection with this litigation.

3 14. The General Objections set forth above apply to, and are hereby
4 incorporated into each specific response and/or objection set forth below.
5 Defendant responds and/or objects to each Request subject to these General
6 Objections, and without waiving them.

7 **RESPONSES TO REQUESTS FOR PRODUCTION**

8 **REQUEST NO. 54:**

9 Produce all backup and supporting Documents and Information, including raw
10 data and databases, relating to the contents of the document Bates no. SDI 015722.

11 **RESPONSE TO REQUEST NO. 54:**

12 Defendant refers to and incorporates by reference all of the General
13 Objections stated above as though set forth in full herein. Defendant objects to this
14 request on the grounds that it is overly broad and unduly burdensome at least to the
15 extent that it asks for "all backup and supporting documents" and all "raw data and
16 databases." Subject to and without waiving the foregoing objections, Defendant
17 responds that it will produce reasonable backup and supporting items responsive to
18 this request related to the contents of SDI 015722 to the extent they exist and/or are
19 in its possession, custody or control and are not privileged.

20 **REQUEST NO. 55:**

21 Produce all backup and supporting Documents and Information, including raw
22 data and databases, relating to the contents of the document Bates no. SDI 015734.

23 **RESPONSE TO REQUEST NO. 55:**

24 Defendant refers to and incorporates by reference all of the General
25 Objections stated above as though set forth in full herein. Defendant objects to this
26 request on the grounds that it is overly broad and unduly burdensome at least to the
27 extent that it asks for "all backup and supporting documents" and all "raw data and
28 databases." Subject to and without waiving the foregoing objections, Defendant

1 responds that it will produce reasonable backup and supporting items responsive to
 2 this request related to the contents of SDI 015734 to the extent they exist and/or are
 3 in its possession, custody or control and are not privileged.

4 **REQUEST NO. 56:**

5 Produce all Documents relating to, substantiating, or identifying the "Landed
 6 cost" referenced in the document Bates no. SDI 015734.

7 **RESPONSE TO REQUEST NO. 56:**

8 Defendant refers to and incorporates by reference all of the General
 9 Objections stated above as though set forth in full herein. Defendant objects to this
 10 request on the grounds that it is overly broad and unduly burdensome at least to the
 11 extent that it asks for all documents relating to, substantiating or identifying the
 12 "landed cost." Subject to and without waiving the foregoing objections, Defendant
 13 responds that it will produce reasonable backup and supporting items responsive to
 14 this request related to the "landed cost" identified in SDI 015734 to the extent they
 15 exist and/or are in its possession, custody or control and are not privileged.

16 **REQUEST NO. 57:**

17 Produce all purchase orders, shipping orders and/or bills of lading associated
 18 with the sale of snow bikes by Sport Dimension and/or Stallion from 2008 to the
 19 present.

20 **RESPONSE TO REQUEST NO. 57:**

21 Defendant refers to and incorporates by reference all of the General
 22 Objections stated above as though set forth in full herein. Defendant objects to this
 23 request on the grounds that it is overly broad and unduly burdensome at least to the
 24 extent that it asks for "all" purchase orders, shipping order and/or bills of lading.
 25 Defendant also objects to the request on the grounds that the requested documents
 26 are not within the Defendant's possession, custody or control. Defendant further
 27 objects to this request on the grounds that Stallion is not a party to this action.
 28 Subject to and without waiving the foregoing objections, Defendant responds that

it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control.

REQUEST NO. 58:

Produce all Documents and things relating to Stallion's sale of snow bikes.

RESPONSE TO REQUEST NO. 58:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that the requested documents are not within Defendant's possession, custody or control. Defendant also objects to this request on the grounds that Stallion is not a party to this action.

REQUEST NO. 59:

Produce all financial documents, financial statements, and sales spreadsheets relating to snow bikes exchanged between Sport Dimension and Stallion from 2010 to the present.

RESPONSE TO REQUEST NO. 59:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that it is overly broad and unduly burdensome at least to the extent the request asks for "all" financial documents, statements and sales spreadsheets. Defendant also objects to this request on the grounds that the requested documents are not within the Defendant's possession, custody or control. Subject to and without waiving the foregoing objections, Defendant responds that it will produce non-privileged items responsive to this request to the extent they exist and/or are in its possession, custody or control.

REQUEST NO. 60.

Produce all yearly and quarterly income statements, earning statements, profit & loss statements, and balance sheets belonging to Sport Dimension or Stallion from 2008 to the present.

RESPONSE TO REQUEST NO. 60:

Defendant refers to and incorporates by reference all of the General Objections stated above as though set forth in full herein. Defendant objects to this request on the grounds that it is overly broad and unduly burdensome at least to the extent the request asks for “all” financial documents, statements and sales spreadsheets. Defendant also objects to this request on the grounds that the requested documents are not within the Defendant’s possession, custody or control. Finally, Defendant objects to this request on the grounds that the requested information is not relevant or related to the product at issue in this litigation.

DATED: March 11, 2013

STRADLING YOCCA CARLSON &
RAUTH

By: /s/Sarah S. Brooks
YURI MIKULKA
SARAH S. BROOKS
Attorneys for Defendant and
Counter-Claimant SPORT
DIMENSION, INC.

CERTIFICATE OF SERVICE

I certify that on March 11, 2013, *Defendant Sport Dimension, Inc.'s Response to Tech-4-Kids, Inc.'s Third Set of Requests for the Production of Documents* were served on all parties or their counsel of record by serving a true and correct copy at the addresses listed below:

VALERIE W. HO
(hov@gtlaw.com)
JEFFREY F. YEE
(yeej@gtlaw.com)
MICHAEL STEVEN LAWRENCE
(lawrencem@gtlaw.com)
Greenberg Traurig LLP
1840 Century Park East, Suite 1900
Los Angeles, CA 90067-2101
Tel: (310) 586-7700
Fax: (310) 586-7800

Attorneys for Plaintiff and Counter-Defendant
TECH-4-KIDS, INC.

/s/ Sarah S. Brooks _____
Sarah S. Brooks

March 11, 2013 _____
Date

EXHIBIT G
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

EXHIBIT H
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

EXHIBIT I
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

EXHIBIT J
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

EXHIBIT K

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Position: Global Manufacturers - Sports & Entertainment / Sport Products - Hong Kong - Profile

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Stallion Sport

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**Company Name:** Stallion Sport**Business Owner:** Joseph Lin**Employees:** 11 - 50 People**Main markets:** Western Europe**Business Type:** Trading Company**Product/Service:** Personal Flotation Device (PFD), Wetsuits, Bicycles, Snow Sleds, Camping gear, pool recreational products**About Us:** Stallion Sport was established in 1992 in Los Angeles California before moving to Hong Kong in 2002.**Get Coupons**

We are a licensing company specializing in the research and development of sports and active products.

We supply our customers with products to satisfy all their active needs. Whether its surfing, diving, boating, wakeboarding, waterskiing, jet-skiing, or just lazing about the pool, Stallion has done it before and can do it for you.

Our products are designed to fit, protect and be enjoyed by all ages; from infants getting their feet wet to the athlete at the top of their game, our diversity of knowledge and skills ensure a wide product spread.

Category: Sports & Entertainment - Sport Products**Region:** Hong Kong Stallion Sport**Link Tool:** Hong Kong Sports & Entertainment - Hong Kong Sport Products**Tags:** jet skiing - moving to hong kong - active products**Contact Person:** Mr. Ben Kerr**Zip Code:** -----**Website:** <http://www.gmdul.net/corp-391615.html>**Address:** 6 Shing Yip Street, Hong Kong**Telephone:** 852-2145 7188**Fax:** 852-21457788**PDF:** Stallion Sport PDF**Google Map:** Stallion Sport Map

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Win Tak Industrial Co.
Dragon Supplies Ltd
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Scaffolding Factory. Co
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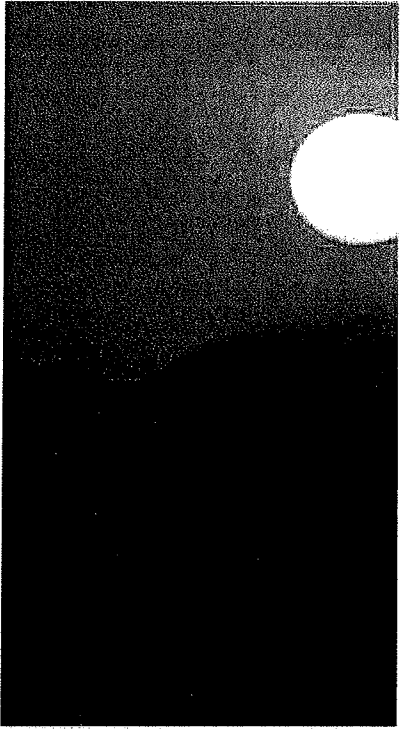
Global Manufacturers

EXHIBIT L
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER

EXHIBIT M



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- Warning for Non-Coast Guard Approved PFD
- Skimboards Care and Warranty
- Snow Bikes Care and Warranty

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SNOW PLAY

Product Benefits

Molded foam sleds

METAL FRAME SLEDS

Catalog




Stallion frame sleds are made of high quality, molded foam. They are designed to provide a smooth, safe ride. The sleds are made of a single piece of foam, so there are no joints or seams. This makes them very durable and long-lasting. The sleds are also very easy to use. They are simply placed on the snow and the rider can get on and go. They are perfect for beginners and experienced riders alike.

Sea-Doo® and the BRP logo are trademarks of Bombardier Recreational Products Inc. or its affiliates, used under license to Stallion Sport Ltd. For more information on Sea-Doo® products visit www.sea-doo.com




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No Rules® and the No Rules® logo are registered trademarks of No Rules® and used under license.

Graphic and molded technology covered by U.S. Patent No. 6,001,115 B2 U.S. Patent No. 7,430,771 B2



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EXHIBIT O

Side - 1

**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: Mar 20, 2012**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 3069995
MARK: SNOWSLIDER
OWNER: Sport Dimension, Inc.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
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Raymond Sun
LAW OFFICES OF RAYMOND SUN
20 CORPORATE PARK STE 155
IRVINE, CA 92606-5183

PTO Form 1583 (Rev 5/2006)
OMB No. 0851-0055 (Exp 09/30/2014)

Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3069995
REGISTRATION DATE	03/21/2006
SERIAL NUMBER	76634966
MARK SECTION	
MARK	SNOWSLIDER
ATTORNEY SECTION (current)	
NAME	Raymond Sun
FIRM NAME	LAW OFFICES OF RAYMOND SUN
STREET	20 CORPORATE PARK STE 155
CITY	IRVINE
STATE	California
POSTAL CODE	92606-5183
COUNTRY	United States
PHONE	949-252-9180
FAX	949-251-9280
ATTORNEY SECTION (proposed)	
NAME	Raymond Sun
FIRM NAME	LAW OFFICES OF RAYMOND SUN
STREET	20 CORPORATE PARK STE 155
CITY	IRVINE
STATE	California
POSTAL CODE	92606-5183
COUNTRY	United States

PHONE	949-252-9180
FAX	949-251-9280
EMAIL	rsunlaw@aol.com
CORRESPONDENCE SECTION (current)	
NAME	RAYMOND SUN
FIRM NAME	LAW OFFICES OF RAYMOND SUN
STREET	20 CORPORATE PARK STE 155
CITY	IRVINE
STATE	California
POSTAL CODE	92606-5183
COUNTRY	United States
PHONE	949-252-9180
FAX	949-251-9280
CORRESPONDENCE SECTION (proposed)	
NAME	RAYMOND SUN
FIRM NAME	LAW OFFICES OF RAYMOND SUN
STREET	20 CORPORATE PARK STE 155
CITY	IRVINE
STATE	California
POSTAL CODE	92606-5183
COUNTRY	United States
PHONE	949-252-9180
FAX	949-251-9280
EMAIL	rsunlaw@aol.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	028
GOODS OR SERVICES	Snow sleds for recreational use
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT1\IMAGEOUT 11\766\349\76634966\xml\1\ 8150002.JPG
SPECIMEN DESCRIPTION	Photograph of an actual product
OWNER SECTION (current)	

NAME	Sport Dimension, Inc.
STREET	2860 California Street
CITY	Torrance
STATE	California
ZIP/POSTAL CODE	90503
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	Sport Dimension, Inc.
STREET	966 Sandhill Avenue
CITY	Carson
STATE	California
ZIP/POSTAL CODE	90746
COUNTRY	United States
LEGAL ENTITY SECTION (current)	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	California
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	300
TOTAL FEE PAID	300
SIGNATURE SECTION	
SIGNATURE	/Raymond Sun/
SIGNATORY'S NAME	Raymond Sun
SIGNATORY'S POSITION	Attorney of record, CA138363
DATE SIGNED	02/08/2012
SIGNATORY'S PHONE NUMBER	949-252-9180
PAYMENT METHOD	CC
FILING INFORMATION	
SUBMIT DATE	Wed Feb 08 12:29:04 EST 2012

TEAS STAMP

USPTO/S08N15-98.189.37,29
-20120208122904378308-306
9995-49059745f29b247ec080
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20208121936003614

PTO Form 1583 (Rev. 5/2006)
OMB No. 0651-0055 (Exp. 09/30/2014)

**Combined Declaration of Use and Incontestability under Sections 8 & 15
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 3069995
REGISTRATION DATE: 03/21/2006

MARK: SNOWSLIDER

The owner, Sport Dimension, Inc., a corporation of California, having an address of
966 Sandhill Avenue
Carson, California 90746
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 028, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Snow sleds for recreational use; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Photograph of an actual product.

Specimen File1

The registrant's current Attorney Information: Raymond Sun of LAW OFFICES OF RAYMOND SUN
20 CORPORATE PARK STE 155
IRVINE, California (CA) 92606-5183
United States

The registrant's proposed Attorney Information: Raymond Sun of LAW OFFICES OF RAYMOND SUN
20 CORPORATE PARK STE 155
IRVINE, California (CA) 92606-5183
United States

The phone number is 949-252-9180.

The fax number is 949-251-9280.

The email address is rsunlaw@aol.com.

The registrant's current Correspondence Information: RAYMOND SUN of LAW OFFICES OF RAYMOND SUN

20 CORPORATE PARK STE 155
IRVINE, California (CA) 92606-5183
United States

The registrant's proposed Correspondence Information: RAYMOND SUN of LAW OFFICES OF RAYMOND SUN

20 CORPORATE PARK STE 155
IRVINE, California (CA) 92606-5183
United States

The phone number is 949-252-9180.

The fax number is 949-251-9280.

The email address is rsunlaw@aol.com.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Raymond Sun/ Date: 02/08/2012
Signatory's Name: Raymond Sun
Signatory's Position: Attorney of record, CA138363
Signatory's Phone Number: 949-252-9180

Mailing Address (current):
LAW OFFICES OF RAYMOND SUN
20 CORPORATE PARK STE 155

IRVINE, California 92606-5183

Mailing Address (proposed):

LAW OFFICES OF RAYMOND SUN
20 CORPORATE PARK STE 155
IRVINE, California 92606-5183

Serial Number: 76634966

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EXHIBIT P

GREENBERG TRAURIG, LLP

Valerie W. Ho (SBN 200505) (hov@gtlaw.com)

Jeffrey F. Yee (SBN 193123) (yeej@gtlaw.com)

1840 Century Park East, Suite 1900

Los Angeles, California 90067

Telephone: (310) 586-7700

Facsimile: (310) 586-7800

Attorneys for Plaintiff

Tech-4-Kids, Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

TECH-4-KIDS, INC.,

Plaintiff,

vs.

SPORT DIMENSION, INC.,

Defendant.

CASE NO. 2:12-CV-06769-PA-AJW

**TECH-4-KIDS, INC.'S FIRST SET
OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS
AND THINGS (Nos. 1-46) TO SPORT
DIMENSION, INC.**

Judge: Honorable Percy Anderson

SPORT DIMENSION, INC.,

Counterclaimant,

vs.

TECH-4-KIDS, INC.,

Counterdefendant.

TECH-4-KID, INC.'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND
THINGS (Nos. 1-46) TO SPORT DIMENSION, INC.

Pursuant to Federal Rules of Civil Procedure Rules 26 and 34, and the Court's Order Setting Scheduling Conference (Dkt. 38), Plaintiff and Counter-Defendant Tech-4-Kids, Inc. ("Tech-4-Kids" or "Plaintiff") hereby requests that Defendant and Counterclaimant Sport Dimension, Inc. ("Sport Dimension" or "Defendant") answer the following Requests for the Production of Documents and Things ("Requests") and produce all responsive Documents and Things in its possession, custody or control within 30 days of service of these Requests at Greenberg Traurig, LLP, 1840 Century Park East, Suite 1900, Los Angeles, California 90067.

DEFINITIONS

1. "Sport Dimension" refers to and includes Sport Dimension, Inc., its officers, directors, current and former employees, agents, consultants, representatives, and any other person acting on behalf of any of the foregoing; as well as its affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestic, that are owned or controlled by Sport Dimension and all predecessors and successors in interest to such entities.

2. The term "You" or "Your" refers to Sport Dimension as previously defined.

3. The term "Tech-4-Kids" refers to Tech-4-Kids, Inc., its officers, directors, current and former employees, agents, consultants, representatives, and any other person acting on behalf of any of the foregoing; as well as its affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestic, that are owned or controlled by Tech-4-Kids and all predecessors and successors in interest to such entities.

4. The term "Costco" refers to Costco Wholesale Corporation, its officers, directors, current and former employees, counsel, agents, consultants, representatives, and any other person acting on behalf of any of the foregoing; as well as its affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether foreign or domestic, that are

1 owned or controlled by Costco and all predecessors and successors in interest to such
2 entities.

3 5. The term "Complaint" refers to the First Amended Complaint filed by
4 Plaintiff on August 17, 2012; *see*, Dkt. No. 29.

5 6. The term "Answer" refers to Sport Dimension's Answer to First Amended
6 Complaint filed by You on September 6, 2012; *see*, Dkt. No. 33.

7 7. The term "Counterclaim" refers to Sport Dimension's Counterclaim Against
8 Tech-4-Kids, Inc. filed by You on September 6, 2012; *see*, Dkt. No. 35.

9 8. The term "snow bike" shall have the same meaning as used in Your
10 Counterclaim.

11 9. The terms "Person" or "Persons" means any natural person, individual, firm,
12 association, corporation, partnership, foundation, proprietorship, joint venture,
13 organization or entity, including all governmental entities, agencies, officers and
14 departments.

15 10. The terms "concerning," "relate to," "relating to," and "regarding" shall be
16 construed in their broadest sense and shall mean directly or indirectly describing, setting
17 forth, discussing, mentioning, commenting upon, supporting, evidencing, constituting,
18 contradicting, or referring to the subject or topic in question, either in whole or in part.

19 11. The term "Communications" refers to every manner of disclosure, transfer,
20 or exchange of information, whether Person to Person, in a group, orally, in writing, by
21 telephone, by electronic transmission, or any other manner, including letter or other
22 correspondence, electronic mail, telephone message, memorandum or telegram.

23 12. The term "Document" or "Documents" has the broadest possible meaning
24 allowable by Fed. R. Civ. P. 34 and any other applicable Federal Rules of Civil
25 Procedure, and shall include, wherever applicable and without limitation, information-
26 containing matter of any kind, including but not limited to, any recordation of any
27 intelligence or information or communication, whether handwritten, typed, printed,
28 electronically stored or recorded, or otherwise reproduced, whether in "hard-copy" form

1 or digital form, further including without limitation, photographs, letters, correspondence,
2 memoranda, routing slips, telegrams, notes, statements, publications, brochures, reports,
3 compilations, data, notebooks, laboratory notebooks, work papers, graphs, charts,
4 specifications, bills of material, blueprints, books, pamphlets, circulars, manuals,
5 instructions, ledgers, journals, invoices, shipping papers, purchase orders, drawings
6 (including engineering, design, assembly, and detail drawings), sketches, diaries, sales
7 literature, advertising literature, press releases, paste ups, agreements, minutes of
8 meetings, magnetic tape, disk or wire, other machine reproducible records including
9 electronic files, read only memories (ROMS), films, videotapes and sound reproductions,
10 printout sheets, summaries, transcripts or records of telephone conversations, personal
11 conversations or interviews, and any and all other writings, typing, printings, drafts,
12 revisions, translations to or from foreign languages, copies and/or mechanical or
13 photographic reproductions or recordation thereof or any other form of "writing" as
14 defined in Federal Rule of Evidence 1001. The term "Documents" also includes all non-
15 identical copies, such as those bearing marginal comments, postscripts, changes,
16 amendments, addenda or other notations not present on the original Document as initially
17 written, typed or otherwise prepared.

18 13. The term "Thing" shall have the broadest meaning allowable under the
19 Federal Rules of Civil Procedure and includes every kind of physical specimen or
20 tangible item, other than a "Document."

21 14. The term "Electronically Stored Information" has the same meaning as that
22 term is used and defined in Federal Rule of Civil Procedure 34(a).

23 15. "Native Format" means the file structure of Electronically Stored
24 Information defined by the original creating application, such as WordPerfect, Microsoft
25 Word, Microsoft Excel, Keynote, and Macromedia Director.

26 16. "Metadata" means information about a particular data set or Document that
27 describes how, when, and by whom it was collected, created, accessed, modified, sent,
28 received, and how it is formatted.

17. "Production Media" means Documents on readily accessible computer or electronic media such as, CD-Rom, DVD, or external hard drive (with standard PC-compatible interface).

INSTRUCTIONS

1. For purposes of interpreting or construing the following Requests, the terms used are to be given their most expansive and inclusive interpretation unless otherwise specifically limited in the Request itself. This includes, without limitation, the following:

a. Construing the words "and" and "or" used in any Request in the disjunctive or conjunctive as necessary, to make the Request more inclusive;

b. Construing the words "any" and "all" used in any Request to mean "any and all" as necessary to make the Request more inclusive;

c. Construing the singular form of any word to include the plural and the plural form to include the singular; and

d. Construing the masculine form to include the feminine and/or the gender-neutral form.

2. You must produce all Documents responsive to these Requests which are in Your actual or constructive possession, custody or control, including all Documents within the actual or constructive possession, custody or control of any representative, agent, employee, attorney, accountant, investigator or any Person acting for You or on Your behalf.

3. If any information called for is withheld on the basis of a claim or privilege or attorney work-product, the claimed basis for withholding the information and the nature of the information withheld shall be set forth in a privilege log satisfying the requirements of Federal Rule of Civil Procedure 26(b)(5)(a).

4. If You know of the existence, past or present, of any Document requested herein, but are unable to produce such Document because it is not presently in Your possession, custody or control, or in the possession, custody or control of Your agents, representatives, employees, or attorneys, You shall so state in Your response and shall

1 identify (by title, if any, nature of Document and subject matter) such Document and
2 shall identify (by name, address and telephone number) the Person who last had
3 possession, custody or control of the Document.

4 5. If, in responding to the Requests, You claim that there is any ambiguity in
5 either a particular Request or in a definition or an instruction applicable thereto, such
6 claim shall not be used by You as a basis for refusing to respond, but You shall set forth
7 as part of the response the language deemed to be ambiguous and the interpretation
8 chosen or used in responding to the particular Request.

9 6. Plaintiff specifies the following manner of production:

10 a. Non-Electronically Stored Information: All non-electronic
11 Documents are to be produced as they are kept in the usual course of business, in the files
12 in which such Documents have been maintained, and in the order within each file in
13 which such Documents have been maintained; or all Documents shall be organized and
14 labeled to correspond with the Requests below. All Documents are to be produced along
15 with copies of the file folders in which they are kept.

16 b. Electronically Stored Information: (a) You shall save all data
17 electronically in Native Format; (b) You shall take all reasonable measures to maintain
18 the original Native electronic source Documents in a manner so as to preserve the
19 Metadata associated with these electronic materials as it existed at the time of production
20 in the event review of such Metadata becomes necessary; (c) Native Format Documents
21 shall not be manipulated to change how the source Document would have appeared if
22 printed out to a printer attached to a computer viewing the file; (d) You shall produce
23 Documents on readily accessible, computer or electronic media such as CD-Rom, DVD,
24 external hard drive (with standard PC-compatible interface or access to a secure on-line
25 repository agreed upon by the Parties), or any other Production Media the parties may
26 mutually agree upon; (e) each piece of Production Media shall be assigned a production
27 number or other unique identifying label corresponding to the date of the production of
28 Documents on the Production Media as well as the sequence of the material in that

1 production; (f) any replacement Production Media shall cross-reference the original
2 Production Media and clearly indicate that it is a replacement and cross-reference the
3 Document number range that is being replaced; (g) to the extent that decryption or access
4 passwords are necessary to unlock any data in its Native Format, including, but not
5 limited to, e-mail passwords and file decryption passwords, such passwords will be
6 provided immediately upon request, or in a manner the parties mutually agree upon.

7 7. These Requests are of a continuing nature. You are required to file and
8 serve supplemental responses if You or any of Your attorneys, agents, or representatives
9 obtain further or different information after the date of Your initial response, pursuant to
10 Rule 26(e) of the Federal Rules of Civil Procedure.

REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS

REQUEST NO. 1.

Produce two samples of each of Your snow bike products, including the FX Nytro.

REQUEST NO. 2.

Produce all Documents and Things related to Your responses to Plaintiff's First Set of Interrogatories.

REQUEST NO. 3.

Produce all Documents and Things that You relied on or referred to in preparing Your responses to Plaintiff's First Set of Interrogatories.

REQUEST NO. 4.

Produce Documents and Things sufficient to identify each Person (other than outside counsel) who participated, assisted, or was otherwise involved in preparing Your responses to Plaintiff's First Set of Interrogatories.

REQUEST NO. 5.

Produce all Documents and Things concerning any of Your snow bike products, including without limitation Communications, meeting minutes, presentations, proposals, price quotes, notes, reports, drawings, photographs, video recordings, brochures, pamphlets, manuals, models (functional or non-functional), and prototypes.

REQUEST NO. 6.

Produce all Documents and Things sufficient to identify each Person who participated, assisted, or was otherwise involved in the conception, design, development, and/or manufacturing of any snow bike that You have sold, offered for sell, marketed, promoted, imported, exported, or distributed since 2008.

REQUEST NO. 7.

Produce all Documents and Things concerning the conception, design, development, and/or manufacturing of any snow bike that You have sold, offered for sell, marketed, promoted, imported, exported, or distributed since 2008, including without limitation Communications, drawings, specifications, schematics, meeting minutes,

1 presentations, notes, reports, research, testing data, photographs, video recordings,
2 brochures, pamphlets, manuals, models (functional or non-functional), and prototypes.

3 **REQUEST NO. 8.**

4 Produce all Documents and Things concerning Your decision to develop a snow
5 bike product or to enter the snow bike market.

6 **REQUEST NO. 9.**

7 Produce all Documents and Things concerning any agreement relating to any of
8 Your snow bike products, including without limitation contracts, agreements, licenses,
9 memorandum, letters of intent, and all drafts thereof.

10 **REQUEST NO. 10.**

11 Produce all Documents and Things concerning Plaintiff, including without
12 limitation Communications, meeting minutes, presentations, proposals, price quotes,
13 notes, reports, drawings, photographs, video recordings, brochures, pamphlets, manuals,
14 models (functional or non-functional), and prototypes.

15 **REQUEST NO. 11.**

16 Produce all Documents and Things concerning Costco, including without
17 limitation Communications, meeting minutes, presentations, proposals, price quotes,
18 notes, reports, drawings, photographs, video recordings, brochures, pamphlets, manuals,
19 models (functional or non-functional), and prototypes.

20 **REQUEST NO. 12.**

21 Produce all Documents and Things concerning any of Plaintiff's snow bikes,
22 including those depicted in Exhibit A of the Complaint.

23 **REQUEST NO. 13.**

24 Produce all Documents and Things concerning any information You received or
25 obtained, directly or indirectly, from Plaintiff.

26 **REQUEST NO. 14.**

27 Produce all Documents Concerning each and every snow bike product known to
28 You or of which You were aware before 2010.

1 **REQUEST NO. 15.**

2 Produce all Documents and Things concerning any analysis of any of Plaintiff's
3 snow bikes products, including any comparisons of Plaintiff's snow bikes and Your snow
4 bikes.

5 **REQUEST NO. 16.**

6 Produce all Communications with designers or manufacturers regarding the
7 development and manufacture of Your snow bike products.

8 **REQUEST NO. 17.**

9 Produce all Documents and Things Concerning Your decision to sell or distribute
10 snow bike products to Costco.

11 **REQUEST NO. 18.**

12 Produce all Documents and Things concerning the advertising and promotion of
13 Your snow bike products.

14 **REQUEST NO. 19.**

15 Produce all Documents and Things concerning the market for snow bike products,
16 including the companies that offer snow bike products and their respective market share.

17 **REQUEST NO. 20.**

18 Produce all Documents and Things concerning the sales, revenues, and profits
19 generated by each of Your snow bike products from 2008 to the present.

20 **REQUEST NO. 21.**

21 Produce all Documents and Things concerning the costs associated with the
22 development, manufacture, advertising and/or sale of Your snow bike products.

23 **REQUEST NO. 22.**

24 Produce all Documents and Things concerning any Communication, contracts,
25 agreements, and negotiations between/among You and any Person(s) concerning any of
26 Your snow bike products.

1 **REQUEST NO. 23.**

2 Produce all Documents and Things concerning any Communication, contracts,
3 agreements, and negotiations between/among You and any Person(s) concerning any of
4 Plaintiff's snow bike products.

5 **REQUEST NO. 24.**

6 Produce all Documents and Things concerning any and all efforts made by You to
7 market, sell or distribute Plaintiff's snow bike products in the United States.

8 **REQUEST NO. 25.**

9 Produce all Documents and Things concerning any investigation, testing, analyses,
10 study, or research performed or conducted by You or on Your behalf Relating to any
11 snow bike product.

12 **REQUEST NO. 26.**

13 Produce all Communications with brand licensors or third-party licensors,
14 including but not limited to, Ski-Doo, Yamaha, Polaris, X Games, Arctic Cat, and/or Red
15 Bull regarding Plaintiff or Plaintiff's products.

16 **REQUEST NO. 27.**

17 Produce all non-privileged Documents and Things, including without limitation
18 Communications, other than the pleadings in this lawsuit, between/among You and any
19 other Person(s) mentioning, referring to, or otherwise Concerning this litigation.

20 **REQUEST NO. 28.**

21 Produce all Communications between You and Costco concerning snow bike
22 products.

23 **REQUEST NO. 29.**

24 Produce all Communications between You and Costco concerning Plaintiff.

25 **REQUEST NO. 30.**

26 Produce Documents and Things sufficient to identify Your corporate or
27 organizational structure, including but not limited to, organizational charts, bylaws, the
28 identifications and locations of Your officers and directors, and telephone directories.

1 **REQUEST NO. 31.**

2 Produce all Documents and Things concerning Your document retention policy.

3 **REQUEST NO. 32.**

4 Produce all Documents and Things that support or relate to your Second
5 Affirmative Defense that "Plaintiff has failed to mitigate or otherwise avoid any damages
6 that it allegedly sustained as a result of Defendant's alleged conduct."

7 **REQUEST NO. 33.**

8 Produce all Documents and Things that support or relate to your Third Affirmative
9 Defense that "Plaintiff's claims are barred by the doctrine of equitable estoppel."

10 **REQUEST NO. 34.**

11 Produce all Documents and Things that support or relate to your Fourth
12 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of laches."

13 **REQUEST NO. 35.**

14 Produce all Documents and Things that support or relate to your Fifth Affirmative
15 Defense that "Plaintiff's claims are barred by the doctrine of waiver."

16 **REQUEST NO. 36.**

17 Produce all Documents and Things that support or relate to your Sixth Affirmative
18 Defense that "Plaintiff's claims are barred by the doctrine of unclean hands."

19 **REQUEST NO. 37.**

20 Produce all Documents and Things that support or relate to your Seventh
21 Affirmative Defense that "Plaintiff's claims are barred by the doctrine of acquiescence."

22 **REQUEST NO. 38.**

23 Produce all Documents and Things that support or relate to your Eighth
24 Affirmative Defense that "Plaintiff does not have protectable trade secret under
25 California law."

26 **REQUEST NO. 39.**

27 Produce all Documents and Things that support or relate to your Ninth Affirmative
28 Defense that "Plaintiff is barred from asserting any claim for misappropriation of trade

1 secrets since Plaintiff did not take reasonable precautions to protect its alleged trade
2 secrets.”

3 **REQUEST NO. 40.**

4 Produce all Documents and Things that support or relate to your Tenth Affirmative
5 Defense that “Plaintiff is barred in whole or in part from prosecuting the purported causes
6 of action set forth in the FAC by the doctrine of laches.”

7 **REQUEST NO. 41.**

8 Produce all Documents and Things that support or relate to your Eleventh
9 Affirmative Defense that “Plaintiff is barred in whole or in part from prosecuting the
10 purported causes of action set forth in the FAC by such statutes of limitation as may be
11 application”

12 **REQUEST NO. 42.**

13 Produce all Documents and Things that support or relate to your allegation at
14 paragraph 11 of your Counterclaim that “[d]uring negotiations of the contemplated
15 distribution deal, Counterdefendant promised to draft and deliver a memorandum of
16 understanding for Counterclaimant’s review.”

17 **REQUEST NO. 43.**

18 Produce all Documents and Things that support or relate to your allegation at
19 paragraph 14 of your Counterclaim that “[a]lthough Counterclaimant made genuine
20 efforts to advance the contemplated business relationship, ultimately those efforts were
21 unsuccessful”

22 **REQUEST NO. 44.**

23 Produce all Documents and Things that support or relate to your allegation at
24 paragraph 16 of your Counterclaim that “[i]n or about the summer of 2010,
25 Counterclaimant made and eventually won a bid to Costco U.S. to distribute snow bikes
26 for the 2010-2011 winter season. When making this bid, Counterclaimant did not use
27 any alleged trade secret information from Counterdefendant.”
28

1 **REQUEST NO. 45.**

2 Produce all Documents that support or relate to your contention that
3 "Counterclaimant denies that he ever received protectable trade secret information from
4 Counterdefendant"

5 **REQUEST NO. 46.**

6 Produce all Documents that support or relate to your contention that
7 "Counterclaimant further denies that Counterdefendant was damaged by any actionable
8 conduct by Counterclaimant."

9
10 DATED: October 10, 2012

GREENBERG TRAURIG, LLP

11
12 By: 

13 Valerie W. Ho

14 Jeffrey F. Yee

15 Attorneys for Plaintiff and Counter-Defendant
16 Tech-4-Kids, Inc.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 1840 Century Park East, Suite 1900, Los Angeles, California 90067.

On October 10, 2012, I served the documents described as **TECH-4-KIDS, INC.'S FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS (Nos. 1-46) TO SPORT DIMENSION, INC.** on the interested parties in this action by placing the true copy thereof, enclosed in a sealed envelope addressed as follows:

Jeffrey J. Zuber
Raffi V. Zerounian
ZUBER LAWLER & DEL DUCA LLP
777 S. Figueroa Street, 37th Street
Los Angeles, California 90017
Tel: 213-596-5620

☐ **(BY MAIL)**

☐ I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

☐ I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of such business.

☒ **(BY PERSONAL SERVICE)**

I caused such envelope to be delivered by hand to the offices of the addressees as indicated above. Executed on October 10, 2012, at Los Angeles, California.

☐ **(BY E-MAIL)**

On October 10, 2012, I transmitted the foregoing document(s) by E-mail to the parties at their respective e-mail addresses as indicated above. The document was served electronically and the transmission was reported complete and without error.

PROOF OF SERVICE

1 ☐ **(BY FEDERAL EXPRESS)** I am readily familiar with the business practice of my
2 place of employment in respect to the collection and processing of correspondence,
3 pleadings and notices for delivery by Federal Express. Under the practice it would
4 be deposited with Federal Express on that same day with postage thereon fully
5 prepared at Los Angeles, California in the ordinary course of business. I am aware
6 that on motion of the party served, service is presumed invalid if delivery by Federal
7 Express is more than one day after date of deposit with Federal Express.

6 ☐ **(STATE)** I declare under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct.

8 ☒ **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and
9 correct, and that I am employed at the office of a member of the bar of this Court
10 at whose direction the service was made.

10 Executed on October 10, 2012, at Los Angeles, California.

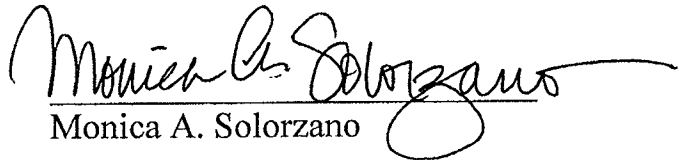
11 
12 Monica A. Solorzano

EXHIBIT Q
FILED UNDER SEAL PURSUANT
TO PROTECTIVE ORDER